

Serial No. 10/044,919  
Amdt. dated January 29, 2004  
Reply to Office Action of October 29, 2003

Docket No. P-0334

### **REMARKS/ARGUMENTS**

Claims 1-7, 9-11, and 13-34 are pending in this application. By this Amendment, the drawings, specification, and claims 1-7, 10-11, and 13-17 are amended, claims 19-34 are added and claims 8, 12, and 18 are cancelled without prejudice or disclaimer. The drawings and specification are amended for clarification purposes. No new matter is added. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Allowance in view of the above amendments and the following remarks is respectfully requested.

#### **I. TERMINAL DISCLAIMER**

The Office Action rejects claims 1 and 11 under obviousness-type double patenting over claims 1 and 11 of co-pending U.S. Application Serial No. 10/043,167 in view of Nishimura et al., U.S. Patent No. 6,323,570 (hereinafter "Nishimura"). The rejection is respectfully traversed.

Applicants respectfully submit that claims 1 and 11 of the present application are not obvious over claims 1 and 11 of U.S. Application Serial No. 10/043,167 in view of Nishimura. However, notwithstanding that many of the claims in the present application recite features not recited in claims 1 and 11 of U.S. Application Serial No. 10/043,167 or in Nishimura, to expedite prosecution, Applicants enclose a Terminal Disclaimer. It is respectfully submitted that the Terminal Disclaimer is sufficient to overcome the double-patenting rejection. Withdrawal

of the rejection of claims 1 and 11 under obviousness-type double-patenting is respectfully requested.

## II. ALLOWABLE SUBJECT MATTER

The Examiner is thanked for the indication that claims 2-10, 12-13, and 17 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims, and that claims 14-16 and 18 would be allowable if rewritten to overcome the rejection(s) thereof under 35 U.S.C. §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Claims 8, 12 and 18 are cancelled. The allowable features of claim 12 have been incorporated into independent claim 11. Further, the amendments made to claims 14-16 are responsive to the Examiner's comments, and thus claims 14-16 now meet the requirements of 35 U.S.C. §112, second paragraph. Accordingly, independent claim 11, as well as claims 13-17, which depend therefrom, are in condition for allowance. Further, upon filing of the Terminal Disclaimer forwarded herewith, independent claim 1, as well as claims 2-7 and 9-10, which depend therefrom, are also in condition for allowance.

**III. REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH**

The Office Action rejects claims 14 and 18 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 is cancelled. The amendments made to claim 14 are responsive to the Examiner's comments. Accordingly, it is respectfully submitted that claim 14 now meets the requirements of 35 U.S.C. §112, second paragraph, and thus the rejection should be withdrawn.

**IV. REJECTION UNDER 35 U.S.C. §102(b)**

The Office Action rejects claim 11 under 35 U.S.C. §102(b) as being anticipated by Nishimura. The rejection is respectfully traversed.

As set forth above, the allowable features of claim 12 have been incorporated into independent claim 11. Accordingly, it is respectfully submitted that independent claim 11 is in condition for allowance, and thus the rejection should be withdrawn.

**V. NEW CLAIMS 19-34**

New claims 19-34 are added to the application. It is respectfully submitted that new claims 19-34 also define over the applied prior art references and meet the requirements of 35 U.S.C. §112.

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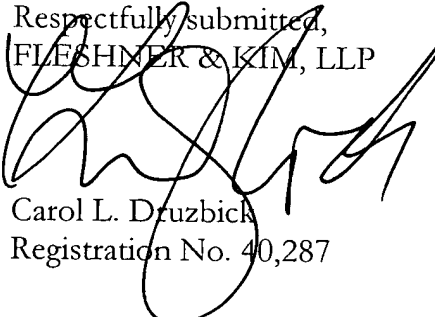
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## VI. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Carol L. Druzbeck, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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